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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,484	08/28/2000	Shuji Soga	500.38950X00	5764

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,484

Applicant(s)

SOGA ET AL.

Examiner

Igor Borissov

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections under 35 USC § 102 (e) has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U. S. 5,965,858).

Suzuki et al. (Hereinafter Suzuki) teaches a manufactured article recycling system and method, comprising:

As per **claims 12**,

- transmitting, from a recycling certificate sales system through to a recycling certificate management system identifying information of the recycling product and a processing fee information of the recycling product (column 5, line 58-61; column 8, lines 30-41; column 9, line 60 – column 10, line 10);
- generating recycling (detoxification) certificate identifying information (column 44, lines 39-42);
- reading the received identifying information of the recycling product (column 9, line 60 – column 10, line 10);
- recording the receiving information in a database in the recycling certificate management system (column 9, line 60 - column 10, line 25);

- reading and processing the identifying information from the recycling certificate by a product distributing organization, thereby indicating that the product distributing organization received the recycling product containing the read identifying information (column 21, line 61 - column 22, line 47);

- calculating fee accrued at the receiving organization by the recycling certificate management system (column 40, lines 6-11; 55);

- recording take-over information in the database and reading the identifying information from the recycling certificate when the recycling organization receives the recycling product from the product distributing organization (column 9, line 60 – column 10, line 10);

- calculating a product transportation fee for the product distributing organization (column 40, line 1 - column 42, line 59).

Suzuki does not specifically teach settling of accounts by paying the processing, transportation and various fees.

Official notice is taken that it is well known in business practice that businesses charge fees for services rendered in order to collect funds.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suzuki to include settling of accounts by paying said fees, because it would allow the business to generate funds.

As per **claims 17 and 23**, Suzuki teaches said system and method, comprising:

- receiving information indicating that a second recycling organization manages the recycling product moving from a first recycling processing organization to a second recycling processing organization for processing the recycling product following the first recycling processing organization and the second recycling processing organization managing a second recycling processing computer from a first recycling processing computer (column 5, line 1 - column 6, line 16);

- calculating a recycling fee to be charged for processing carried out by recycling processing organizations based on the certified identifying information, thereby inherently indicating setting of accounts by the recycling certificate management system by paying the processing, transportation and various fees to the

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recycling, transporting and various organizations respectively (column 40, line 1 - column 42, line 59).

As per **claims 18 and 24**, Suzuki et al. teach said system and method, wherein the recycling certificate system receives the identifying information transmitted from the sales organization and fee information indicating the recycling processing fee of the recycling product, and wherein the calculating of the recycling fee is carried out based on the fee information (column 8, lines 30-41; column 9, line 60 – column 10, line 10).

As per **claims 13-16, 20-22 and 26-28** Suzuki teaches all the limitations of **claims 13-16, 20-22 and 26-28**, except specifically teaching that said extracting of the information related to the recycled product is occurring when a predetermined time period is over.

Official notice is taken that it is well known that a technological process at a processing plant is designed and scheduled in accordance with specific technical and organizational conditions of the processing plant.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suzuki to include that said extracting of the information related to the recycled product is occurring when a predetermined time period is over, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Suzuki would perform the invention as claimed by the applicant with extracting information related to the recycled product at any suitable for the recycling process time.

As per **claims 29-31**, Suzuki teaches all the limitations of **claims 29-31**, except specifically teaching that a refund is performed when a recycle process is not executed.

Official notice is taken that it is well known in a business practice to refund a customer if services offered are not performed.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suzuki to include that a refund is performed when a recycle process is not executed, because it would not be economically advantageous for a business to charge customers for services not rendered.

Response to Arguments

Applicant's arguments filed 12/16/03 have been fully considered but they are not persuasive.

In response to Applicant's argument that Suzuki fails to show the inventive features of **claims 12, 17 and 23**, examiner stipulates that the Applicant failed to particularly point out exactly which claim limitation is not taught by the prior art. The Applicant simply repeats the extensive claim language.

In response to Applicant's argument that Suzuki fails to teach recycling certificate identifying information, examiner points out that Suzuki teaches generating a detoxification certificate during the recycling process certifying that the remaining portion of the discarded article is harmless, thereby inherently identifying a recycling status (column 44, lines 39-42).

In response to Applicant's argument that Suzuki fails to teach settling of accounts, examiner maintains that Suzuki discloses fee calculation and fee charging means, thereby inherently indicating fee collection means and, thereby, account settling capability.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

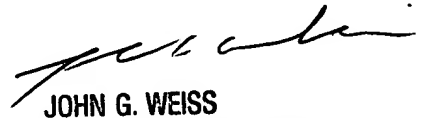
***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

SB


**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**